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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Capon et al. Confirmation No.: 9053  
Serial No.: 09/126,559 Art Unit: 1648  
Filed: July 30, 1998 Examiner: Lucas, Zachariah  
For: COMPOSITIONS AND METHODS Attorney Docket No.: 11068-043-999  
FOR DETERMINING ANTI-VIRAL  
DRUG SUSCEPTIBILITY AND  
RESISTANCE AND ANTI-VIRAL  
DRUG SCREENING

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated June 27, 2005 of the Primary Examiner finally rejecting claims 112-131 of the above-identified application.

The item(s) checked below are appropriate:

1. ☐ An extension of time for responding to the final rejection for \_\_\_\_\_ month(s):  
☐ was filed on \_\_\_\_\_  
☐ is submitted herewith.
2. ☐ A timely response to the final rejection has been filed.
3. ☐ A fee in the amount of \$500.00 is:  
☐ Required.  
☐ Not required (Fee paid in prior appeal).
4. ☒ Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of \$250.00 is:  
☒ Required.  
☐ Not required (Fee paid in prior appeal).
5. ☒ Please charge the required fee, if any, to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed.

Respectfully submitted,

Date: September 27, 2005



56,056

David C. Pauling

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